G. R. S. 58]

Previous references.

File No. 178—14

1914. 15

(Courts)

Serial Nos. (1)

Later references.

Preserve
HDR 24/6/16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. (1)

Part B for June 1915.

SUBJECT.

The appointment of Munsiffs be invariably given to the members of the Bar of not less than 5 years standing.

1) To The Regr, Chief Ct
" D.Cs of Mysore Bg, & Kolar Ds
" Secry Jud Conference

} J 4467-71 dy 24.6.15

state that it is not practicable to lay down a hard & fast rule for selection to the post of Munsiffs.

GPB—10,000—23-3-15

H. Groom
7.7.15

G. R. S. 11] 1914/15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No/98-14

FILE HEADING.

The appointments of municipts be invariably given to the members of the Bar of not less than five years' standing

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—20,000—8-8-14

Serial No.

5. That the appointments of Munsiffs be invariably given to the members of the Bar of not less than 5 years' standing.

R.O.J 43-14
11-1-15
Recd 12/1/15

Forwarded unofficially to the Registrar, Chief Court, in favour of obtaining the opinion of the Judge of the Chief Court on the above resolution of the Judicial Conference of 1914.

By order

Srinivasa Iyer

11th Jan 1915.

for CHS: Dey to Col

Opinion of the Chief Court

3238 @ 27.1.15
201

17/1/15

The CHIEF JUDGE : - If this means that all the Munsiffs are to be appointed from the Bar, I do not think it is practicable without doing injustice to competent ministerial officers. The result would be that it would be harder than ~~were~~ ever to get well educated ministerial officers in ~~every~~ any court, and the service would suffer: for the Judge of the Court is not the only officer who promotes the efficiency of the Department.

But for this I should be prepared to accept the rule but would not make the period of qualifying practice more than 3 years.

In my opinion the Munsiffs drawn from the Bar are,

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Serial No.

are, without exceptions of course, better than those taken from ministerial appointments in the judicial service, and a large proportion should be so selected. If the Government does not see its way to making the Judicial Department a self-contained Department, I would make a rule that selection should be something as follows; one from the Bar, then one from the Judicial service, then one from the Bar and then one from the other services, but in the case of the other services not from among the ministerial officers.

22/15

Mr. Justice K.S.CHANDRASEKHARA AIYAR :- I agree generally. But I would not lay down any fixed proportion between the selections from the different classes of candidates; and in particular, I would not lay down that a certain number of appointments shall necessarily be made from non-judicial Departments, especially as this may lead to interferences with the powers and responsibilities of the Chief Court in the matter of appointments of Munsiffs.

In this connection I invite a reference to the following extract from a minute which I furnished to Government last year on "Judicial Reforms in Mysore":-

"The recruitment of officers for the Judicial Department is a matter wherein, with a comparatively

comparatively limited field for selection, it would be wise for Government not to bind itself at this stage by any hard and fast rules. A substantial proportion of the appointments to the lowest class of judicial officers will no doubt always be made from among the ranks of practising lawyers; and it is a question why those of them with a longer standing and larger experience at the Bar should be excluded by virtue of a rule limiting selections to persons of 35 years of age and below, or why at any rate the limit should not be raised in the case of practising lawyers to(say) 45 years. Selections from among men already in service will relatively be infrequent but should not be barred. It would certainly be a good plan to train for judicial work civilian officers with aptitude for the law; and as regards judicial Sheristedars and other ministerial officers, though the selections made in recent years have not always proved happy, this I think is due not so much to any inherent fault of the method as to the unhappiness of the choice. But whatever the mode of recruitment adopted, selections should always be governed by the one aim of securing the best men available. Candidates known to and whole-heartedly approved by the Chief Court, and such only, should be selected for first appointments, ..."

GPB—25,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat.

C.S. File No. 198 of 1914. 15

Serial No.	
2-3 1/15	Mr. Justice T.PARAMASIVA IYER : - I am of opinion Munsiffs as a rule should be taken young and would revive the old 30 years' limit so that they may look forward to a decent pension. Instead of 'not less than' I would have 'not more than' five years' standing. Members of the civil service with legal qualifications should be trained as Munsiffs. For a year or two every Munsiff should be attached to a Deputy Commissioner as an extra Assistant, and during this period he should work as a Third Class Magistrate, do light Revenue work and attend the Huzur Jamabandi. Only the other day a capable Munsiff near the top of that Grade made out that the area under different crops in a Pahni statement represented quantity of produce and made a mess of the case. Qualified men serving as ministerial officials in the Judicial Department should of course not be shut out of Munsiff's places even for the sake of Advocates.

V. Sadasivan

26th January 1915. Bangalore

REGISTRAR.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

General and Revenue Secretariat.

Ch File No. 198 of 1914.

Serial No.

1) Submitted a draft

12/6/15

2) For approval

12/6/15

First Member

Draft appd. by First member

21.6.15.

3) Issue

21/6

To The Registrar, Chief Court

The D.Cs of Bangalore, Mysore & Kolar Dts.

The Secretary, Gadi Conference

No.g. 4467-71-B 24-6-15.

States that it is not practicable to lay down a hard & fast rule for selection to the posts of Munsiffs.

G.R.S. 28]

File No. 198-14
Serial No. 1

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

READ—

Subject no 24 (2) of the Proceedings of the Representative Assembly of 1913 praying that only practising Advocates of not less than 5 years standing should be selected to the post of Munsiffs.

2. Resolution no 5 of the Judicial Conference held at Mysore in 1914 making a similar recommendation

over. Order—

Date of issue 24/6/1915

Signed by Mr C. Srinivasa Iyengar

ORDER THEREON—NO.

SUBJECT.

8)

Order thereon. No. J 4467-71.

Agreeing with the views of the Chief Court, Govt consider that it is not practicable to lay down a rule as proposed, without ~~doing~~ first instructing ~~to competent~~ ministerial officers.

8 14/6

For Secy.

21/6/11

To The Registrar Gen'l

The Secs of Mysore, Bangalore & Kolar for communication to the members concerned.

The Secy Judicial Conference

Copy to Press Room

Copy to Sessions Section (8.4611)